UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1456
18 May 2001

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1456th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 19 March 2001, at 10 a.m.

Chairman: Mr. SHERIFIS

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1456/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-41039 (EXT)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORAMTION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Fifteenth periodic report of Greece (CERD/C/363/Add.4) (continued)

1. At the invitation of the Chairman, the Greek delegation resumed place at the Committee table.

2. Ms. TELALIAN (Greece) said that the legal status of the Muslim community in Greece was governed by the Lausanne Treaty of 1923 in which, inter alia, the rights of the Muslim minority in Greece and of the Greek Orthodox minority in Turkey were defined on the basis of the principle of reciprocity between the two countries. She agreed with the Committee's view that the Muslim minority in Greece was in fact a religious minority which must be permitted to exercise its right to self-determination. No member of the Muslim minority could be denied the right to claim membership of an ethnic group, but Muslims did not have the right to claim membership of the Turkish ethnic minority. In Greece, the Muslim minority consisted not of a single ethnic group but of three: the Roma, the Pomaks and the Turks. To consider all of them as belonging to the same ethnic group would be contrary to the principles of international law and to the Council of Europe's Framework Convention for the Protection of National Minorities. Each of the three communities had its distinct features and specific culture and spoke a different language even though the dialect used by the Roma and the Pomaks was not committed to writing.

3. She assured the Committee that the Government was continuing to do everything possible to improve the living conditions and economic situation of the Muslim minority. True, acts of discrimination had been committed against that minority in the past, particularly in the granting of licences to operate small businesses, but that was no longer the case today. Indeed, through one of its two representatives, the Muslim community had recently declared itself well satisfied with its situation.

4. With regard to the procedure for appointment of muftis, she explained that they were the spiritual leaders of the Muslim community and as such were vested with judicial powers in domestic disputes between Muslims under their authority. While some might consider the existence of a separate authority in such matters to be anachronistic on the grounds, inter alia, that it might impede the social development of minorities, she wished to point out that all decisions adopted by the muftis had to be approved by a national court which determined whether they were lawful and in conformity with the Greek Constitution. Since the muftis were considered to be civil servants and were therefore paid by the State, they were appointed by presidential decree and not elected by the members of the Muslim community, which nevertheless participated very actively in their appointment through a Muslim council made up of several members of that community. The council transmitted its views on the candidates to the Ministry of Education and Religion, which generally took them into account. It was true that the European Court of Human Rights had once ruled on the appointment of a mufti, but the case had not involved the overall competencies of the mufti and the legality of his appointment. Greece respected the findings of the Court and its ruling in that case had been communicated to

prosecutors and to all the courts in the country. Although some were calling for a change in the procedure for appointing muftis, the two members of parliament who represented the Muslim minority had never proposed legislation along those lines.

5. There was no prohibition on claiming membership of the Turkish minority, even though that had created problems in the past. True, teachers belonging to that minority had been convicted in court, but that had had nothing to do with their claim of being Turkish. The individuals in question had formed an association and had burned books donated by the Government to minorities. The courts of the first instance were empowered to prohibit associations, particularly if they considered that their activities were contrary to public order.

6. Replying to a question by Mr. Yutzis on religious intolerance in Greece, she said it was true that the primacy of the Greek Orthodox religion was enshrined in the Greek Constitution, but that was attributable to historical circumstances. Historically, the Greek Orthodox religion had played a crucial role in preserving the country's Christian heritage, particularly after the fall of the Byzantine empire. Ninety-seven per cent of the population at present espoused the Greek Orthodox religion, but that did not mean that those who professed other faiths were not entirely free to express their religious identity. All religions were protected by the Constitution and constituted legal entities under public law.

7. As to the obligation to indicate one's religion on national identity cards, she said it had indeed elicited objections on the part of minority groups who believed that it could open the door to discrimination. The European Parliament had adopted a decision in which it called on Greece to abrogate that measure, and the Greek authorities responsible for the protection of personal data had accordingly decided henceforth to do away with any reference to religious beliefs on Greek identity papers. The Patriarch of the Greek Orthodox Church had stated his opposition to that decision but his proposal for a referendum on the matter had been rejected.

8. Under a law of 1939 the State was indeed responsible for issuing building permits for places of worship. The European Court of Human Rights had heard a case on that matter and had issued a ruling in which, while condemning the petitioner for having built a place of worship without authorization, it found that Greece had violated the right to religious freedom. In the wake of that ruling, the Greek authorities had not refused any authorization for the construction of places of worship and there had been no further complaints on such maters; proposals for the revision of the law of 1939 had, however, been presented.

9. Lastly, with regard to educational initiatives to benefit the Muslim community, she said that 38 Muslim teachers had recently been granted tenure by the Ministry of Education. That was a sign of real progress for no longer could it be said that minorities did not have access to the Greek civil service.

10. Mr. HALKIOTIS (Greece), responding to the Committee's concerns over the fact that Muslim students were admitted to certain secondary schools by the drawing of lots, explained that that arrangement applied only to private institutions and only when the demand for admissions exceeded the number of places available. The idea of competitive examinations had been suggested to the Muslim minorities, but they preferred the existing system. In private bilingual schools, half of the instruction was in Greek and the other half in Turkish.

11. With regard to recognition of the multicultural nature of Greek society, he said that in 1996 the Ministry of Education had participated in the drafting of a special law that contained provisions on measures and policies to achieve that goal. A new institute for multicultural education had been set up and was responsible for initiating studies, elaborating multicultural curricula, compiling textbooks and organizing continuous teacher training courses.

12. Information had been requested on the efficacy of initiatives to benefit minorities. Since 1995, considerable progress had been made. Under a programme developed for the Muslim minorities and financed by the European Union all Greek textbooks had been replaced by Turkish texts and Greek and Muslim teachers had received thorough training. Schools had been provided with computers and other new technological facilities. For the first time since 1970, all textbooks in Turkish had been replaced by new ones. The programme placed emphasis on improving instruction at the secondary school level and the number of Muslim children who pursued their studies beyond primary school had increased by 300% in four years. Similarly, the number of Muslim students in universities had grown from 200 to 300 in the same period. That trend was expected to continue.

13. Instruction in human rights was included in primary and secondary school curricula although not very much time was devoted to it. It was for that reason that the National Human Rights Commission had recently submitted to the Ministry of Education a report and teaching materials on human rights for its consideration and approval; such materials would most probably be used in public and private schools.

14. Replying to the member of the Committee who had asked whether children of the Pomak minority could receive instruction in their own language, he said he had participated in discussions on the subject with representatives of that minority who had indicated that they were not in favour of the idea as it would pose a number of problems since Pomak was not a written language and comprised a large number of variations.

15. With regard to the education of the Roma, he said that the policy of the Ministry of Education on that subject was aimed at ensuring equality of opportunity and social integration for Roma students and that accordingly they attended only public schools. Nevertheless, special schools existed - but only in isolated areas where there were no public schools. Talks with representatives of the Roma had revealed that there was as yet no demand for teaching in the Roma language. Nevertheless, a dictionary had been compiled, bringing together the most common linguistic variations. Lastly, with regard to instruction in the native languages of foreign minorities such as Russian and Albanian, he said that, since February 2001, four hours a week of instruction in Russian could be requested and, since 2000, Albanian could be taught in Greek schools under a bilateral agreement signed between Greece and Albania.

16. Mr. PAPASPYROPOULOS (Greece), replying to questions on the living conditions of the Roma, said that more than 5,000 Roma who had been living in precarious conditions had been relocated - at the initiative of local authorities and with the prior consent of the persons concerned - in certain areas where prefabricated homes equipped with water and electricity had been set up. The Roma accounted for 1 per cent of the population and were scattered over more than 80 municipal areas, where they lived peacefully side-by-side with the inhabitants. Cases of

expulsion and physical aggression were rare. Since 1999, only three expulsions had been ordered by local authorities, and in each case the ombudsman's office had intervened and obtained the stay of those measures, with the exception of one case in which the Government intended to adopt sanctions against the local authorities.

17. The Roma were temporarily relocated only when measures were urgently required in order to meet their needs. Their relocation lasted only until an appropriate and durable solution was found. In that regard it should be noted that, on the basis of a Ministerial Decree, the Roma could take out housing loans on very advantageous terms. Lastly, a number of NGOs (Drom Network, Médecins du Monde and Médecins sans frontières) were consulted during the elaboration of programmes to benefit the Roma and participated in their implementation. At the same time, NGOs established by the Roma were involved in that process through the intermediary of the Greek Federation of Roma Organizations.

18. Mr. GIANNOULAS (Greece) said that the Ministry of Public Order had been working to implement the Committee's general recommendation XIII according to which the law-enforcement officials should receive in-depth training to enable them, in the performance of their duties, to respect and protect human dignity and to defend and ensure respect for the human rights of all, irrespective of race, colour, or national or ethnic origin. Accordingly, severe sanctions were provided for persons who violated the Standard Minimum Rules for the Treatment of Prisoners. In October 2000, a code of conduct containing directives on respect for human rights by police officers had been published. Instruction in human rights and international instruments was likewise provided at police academies and in 2000, on the occasion of the fiftieth anniversary of the adoption of the European Convention on Human Rights, conferences had been given by specialists in that field in police academies in the capital city and in the various regions. In addition, many police officers had participated in seminars and conferences organized on such issues by universities and by NGOs. Nevertheless, the Ministry of Public Order considered it necessary, in addition, to organize lectures and courses on the topic of racial discrimination and intended to institute a human rights day, to prepare a manual on human rights for use by police officers and to publish in the police gazette the proceedings of cases of human rights violations in which police officers were implicated. With regard to the application of disciplinary sanctions, he said that, in 2000, 53 inquiries had been conducted; 18 of the cases in question had been concluded, while 25 were still ongoing. In one of the 18 cases, a police officer had been found guilty, had had to make a public apology to the victim and to pay compensation.

19. The improvement of conditions of detention for foreigners under expulsion orders was the priority of the Ministry of Public Order. In 2000, US$ 5,000 had been allocated for the repair of buildings of penitentiary institutions and a project for the construction of new police stations was shortly to be implemented. An immigration bill envisaged that foreigners subject to expulsion must be detained in separate quarters and that the maximum length of detention for such persons was three months. With regard to the penitentiary establishment visited by the NGO Human Rights Watch in November 2000, he said that the Ministry of Public Order had given a detailed reply in which it had recognized that existing problems were largely due to prison overpopulation. For the moment, persons convicted of criminal offences and individuals subject to expulsion orders were not yet housed in separate quarters, but would be as soon as possible.

20. Lastly, noting that some members of the Committee had raised the question of the mass expulsion of illegal immigrants, he recalled that Greece was under an obligation to take steps to discourage illegal immigration and to combat transboundary crime in accordance with the Schengen Agreements. The police could adopt administrative decisions and apply judicial decisions on expulsion; such decisions were taken on a case-by-case basis and could be appealed.

21. Ms. TELALIAN (Greece), replying to the question concerning restrictions on the entry into Greece of Asian and Latin American workers, said that such restrictions had indeed been imposed at a certain period in order to contain the massive influx of workers from those regions of the world, but that the corresponding provisions in the immigration bill had been deleted. Foreign domestic workers were henceforth entitled to change employer without losing their work permit, since the permit was no longer granted for one employer alone. In the event of abuses, the women concerned could appeal to any of a number of organizations if they wished to lodge a complaint against their employer. The immigration bill contained no provisions covering discriminatory acts but nevertheless referred to the Penal Code of 1979, which laid down penalties for racist acts and incitement to racial hatred. That constituted progress, since proceedings could now be instituted in respect of such acts by the Public Prosecutor, and not exclusively on the basis of a complaint by the victims. The bill also stipulated that children of undocumented immigrants must obligatorily be enrolled in a public school and must remain in school for the normal minimum period.

22. Mr. ABOUL-NASR said that the Greek delegation had unfortunately not responded to his request for information on Albanians living in Greece and noted that the Greek Orthodox Church wielded a great deal of influence, even in decisions of an administrative nature. He also regretted the continuing confusion made between religion and race apparent in the report and in the replies of the delegation. For example, numerous references had been made to Muslims as a race. He hoped that that error would not be repeated in the State Party's next report.

23. Mr. De GOUTTES said he had taken note with satisfaction of a number of encouraging developments that promoted greater respect for the rights of minorities in Greece, including recognition of the decisions handed down by the European Court of Human Rights, removal of the reference to religion on national identity cards and training in the rights of minorities for law-enforcement officials. Noting that Greece had signed the Framework Convention of the Council of Europe for the Protection of National Minorities, he asked about the consequences of that important measure, particularly for the Turkish and Gypsy minorities but also for the Albanian and Macedonian minorities. He welcomed the establishment in 1998 of the National Human Rights Commission and observed that it had proposed the abolition of the law on building permits for places of worship. He would like to know whether the National Commission had made other proposals that might be of interest to the Committee and whether it had participated in the preparation of the report submitted by the State Party. Lastly, he asked whether the Greek Government was considering making a declaration under article 14 of the Convention.

24. Mr. YUTZIS said he wished first of all to examine in greater detail the place of religion in Greece. In his view, there was no denying that, even in countries with a secular tradition, religion played an important role in the development and building of national identities, and that it was obvious in the present case that the Greek Orthodox Church was inextricably connected with the history of Greece. That situation, however, must not give rise to discrimination or preferential treatment, and the State must not accord preference to a particular religion, even if it had played a historic role. In that connection, he pointed out that even if, as the delegation had stated, 97 per cent of the Greek population declared that they were members of the Greek Orthodox faith, there was nothing to indicate that the same percentage of the population actually practiced that religion.

25. Another point to which he wished to draw the attention of the Greek authorities was the way the Roma minority was viewed. Without disputing the fact that there were drug and arms traffickers, he believed that the authorities should work to ensure that the Roma as a whole were not necessarily stigmatized in that area.

26. Mr. THORNBERRY said that, in matters of identity, reference should be made not to the Treaty of Lausanne, which was a treaty between States based on reciprocity, but rather to international human rights instruments. Similarly, while the term Muslim could be considered a generic term in the context of the Treaty of Lausanne, the self-identification of groups which were covered by that term and which must be able to exercise their own rights by virtue of international human rights instruments, and especially the Convention, must not be affected by that term.

27. He would like to know the basis for the statistics given in the report. Regarding the education of the Roma population, on which several paragraphs of the report contained information, he referred to paragraph 18 of the Committee's general recommendation XXVII which stated, among other things, that the segregation of Roma students must be prevented and avoided to the extent possible while leaving open the possibility of bilingual education or education in their mother tongue. It was his understanding that the Greek authorities would respect that provision at the request of the minority concerned but that, in the case of the Roma, no such request had been made. Lastly, he would appreciate additional information on the Macedonian community, and in particular, wished to know what effect had been given to the ruling of the European Court of Human Rights in the *Sidiropoulos v. Greece* case of 10 July 1998.

28. Mr. SHAHI expressed satisfaction that the rights of minorities were increasingly well guaranteed in Greece. The self-identification of Muslims remained a subject of concern, however. Paragraph 18 of the report stated that the attempt to identify the entire Muslim minority of Thrace as "Turkish" was unjustifiable and contrary to the spirit and purpose of the European Framework Convention, which protected the members of minority groups from assimilation into other groups by reason of their size. In that connection, he referred to the Committee's General Recommendation VIII concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention, in which the Committee stated that it was of the opinion that such identification must, in the absence of justification to the contrary, be based on self-identification by the individual concerned. It had been acknowledged that the so-called Muslim minority in Greece comprised three ethnic groups - persons of Turkish origin, Pomaks

and Roma - but he failed to see how it could be contrary to the spirit of the European Framework Convention for individuals belonging to those groups voluntarily to identify themselves with another ethnic group. Lastly, he requested the Greek Government to provide information in its next report on the situation of the Macedonian and Albanian communities would also like to know whether religious communities had the right freely to administer their charitable institutions.

29. Ms. TELALIAN (Greece), replying to the questions that had been asked, said that more detailed information would be presented in the States Party's next periodic report. The Framework Convention for the Protection of National Minorities had been signed, but not ratified, by the Greek Government, although the Government was already applying its provisions. There was no Macedonian minority officially recognized as such in Greece, and it was unfortunate that certain activists were seeking to convince the international community otherwise. The truth was that a group of persons in the north of Greece spoke a Slavonic dialect, but they had never said that they did not consider themselves Greek nor had they claimed a different ethnic identify. In conformity with the principle of self-identification, the desire of those persons, who had not requested affiliation with any country other than Greece, should be respected. For that reason Greece did not recognize the existence of a Macedonian minority in its territory.

30. With regard to the role played by the National Human Rights Commission in the preparation of the report, she said that the Government had based itself on the annual report of the Commission and some of its suggestions, particularly those relating to freedom of religion. She acknowledged that race and religion must not be equated, but pointed out that, in the Treaty of Lausanne, for example, the only classification was religious. The fact that the groups comprising the Muslim minority were of different ethnic origins did not alter the fact that they had a single religion. The Greek authorities considered that the Greek Orthodox religion must not give rise to domination or even preferences: on the contrary, everything was being done to promote religious tolerance.

31. The Greek position was not based exclusively on the Treaty of Lausanne, which in fact contained very few provisions on minority rights, and the authorities applied the entire range of international instruments in force. For example, many steps had been taken to ensure the exercise of the right to education for members of the Muslim minority or the Roma population, as members of the Committee had been able to see from the report. Opportunities for education in the Roma language existed, but the fact was that the Roma preferred instruction in Greek so as to become fully integrated into the Greek population.

32. In the Sidiropoulos v. Greece ruling of 10 July 1998, the European Court of Human Rights had found that the Greek courts had violated article 11 of the European Convention by refusing to register an association suspected of undermining the country's territorial integrity. The Greek authorities had complied with that ruling of the European Court, and the Council of Ministers of the Council of Europe had adopted a decision recognizing that Greece had fulfilled its obligations and considering the matter closed.

33. With regard to the question of self-identification, no one disputed the fact that, if certain persons wished voluntarily to identify themselves as part of a minority, they should be able to do

so. Nevertheless the request must be made by the persons concerned themselves, and not by groups of activists. Thus, a request for self-identification by the Roma had not been challenged, but no individual had asked to be recognized as being part of a so-called ethnic group. Lastly, regarding police action against Roma implicated in arms or drug trafficking, she emphasized once again that the police intervened only to maintain public order and that its actions were in no way racially motivated.

34. Mr. RECHETOV (Country Rapporteur for Greece) said that the Greek delegation had provided the Committee with detailed and substantiated information, and everything seemed to indicate that the State party was making considerable efforts to fulfil its obligations under the Convention. Certain points called for clarification, however. For example, the concept of self-identification seemed to cause a certain amount of confusion. Clearly, Greece was required to fulfil the commitments it had undertaken under certain international instruments, including the Treaty of Lausanne of 1923. It must also, however, face up to the problems of minorities on the basis of more contemporary norms and particularly the provisions of the Convention. In the matter of self-identification, it should be recalled that, at its thirty-eighth session, the Committee had indicated, in its General Recommendation VIII concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention (CERD/C/365/Rev.1), that it was of the opinion that such identification should, in the absence justification to the contrary, be based upon self-identification by the individual concerned. It was therefore entirely clear that self-identification was an exclusively personal concept, and that States were not to define criteria in that area. In addition, with regard to recognition by the State Party of a given national or ethnic group or indigenous population, it must be recalled that, in its General Recommendation XXIV (CERD/C/365/Rev.1), adopted in 1999, the Committee had considered that "certain criteria should be uniformly applied to all groups, in particular the number of persons concerned, and their being of a race, colour, descent or national or ethnic origin different from the majority or from other groups within the population".

35. The Greek delegation had provided useful information on the situation of religious minorities. In that field, better relations should be fostered between the State and minorities. Positive aspects had nevertheless been evoked, since it appeared that the identity cards issued to Greek citizens no longer mentioned religious affiliation and that for some time now it had become easier to obtain permits to build places of worship other than for the Greek Orthodox religion.

36. In the field of education, the argument that members of certain minorities did not wish to receive schooling in a language other than Greek was not satisfactory, and he did not think that the issue of instruction in the Roma language could be dispensed with so easily. The fact that members of the police were instructed in human rights matters was a positive element.

37. Lastly, however difficult it might be to accept the fact, there was no doubt that Greece was a multiethnic, multicultural and multinational country. In that context, the question of the existence of minorities, and particularly of the Macedonian minority, remained an outstanding issue. In that connection, it should be recalled that respect for the principle of self-determination in no way presupposed any separation decided unilaterally by a given ethnic community.

38. The CHAIRMAN thanked the Greek delegation and welcomed the spirit of openness and frankness that had prevailed during the consideration of the report of Greece. He announced that the Committee had thus concluded its consideration of the fifteenth periodic report of Greece.

The Greek delegation withdrew.

The first part (public) of the meeting rose at 12.45 p.m.